

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

CASE NO.: 18-30888-HCM-7

**GUILLERMO PALLARES
aka GUILLERMO VENEGAS-
PALLARES
aka GUILLERMO V. PALLARES
and CARMEN C. PALLARES
aka CARMEN CASTRUITA
PALLARES**

CHAPTER: 7

Debtors.

**RESPONSE TO TRUSTEE'S MOTION TO SELL PROPERTY FREE AND CLEAR OF
LIENS AND INTERESTS [DE 29] FILED BY BANK OF AMERICA, N.A.**

COMES NOW, **BANK OF AMERICA, N.A.** ("Creditor"), and submits this Response to the *Trustee's Motion to Sell Property Free and Clear of Liens and Interests [DE 29]* and states as follows:

1. Creditor is a mortgagee for loans on two properties owned by Debtors, listed as 8524 Wingo Way, El Paso, Texas 79907 and 8520 Wingo Way, El Paso, Texas 79907 in the corresponding Deeds of Trust securing Creditor's interest to the properties.

2. On November 18, 2019, Trustee filed a Motion to Sell Property Free and Clear of Liens and Interests **[DE 29]** (the "Motion") reflecting a proposed sale price of \$135,000.00. The Trustee's Motion includes a property address of 8820A Wingo Way, El Paso, Texas 79907, identified by the El Paso CAD as Property ID 35274, Geographic ID W14299900502100. The address listed in the Motion does not match the tax records or records held by Creditor, and thus, Creditor seeks clarification as to the Property to be sold in any order approving sale.

3. Creditor objects to any Order binding Creditor to accept any terms of a proposed sale prior to Creditor's full independent review and acceptance of proposed sale contract.

4. Creditor should not be compelled to accept a sale that is not in Creditor's best interest pursuant to Creditor's business judgment.

5. Creditor requests the loan be paid 100% in full, within forty-eight (48) hours of closing. Additionally, Creditor requests this Court enter an Order indicating the closing agent must have a payoff statement that is not expired at the time of the closing of the Subject Property.

6. A hearing has been scheduled for December 12, 2019 at 10:00 AM.

7. Creditor reserves the right to supplement and/or amend this Response in the future.

WHEREFORE, Creditor respectfully requests the Court deny the Motion and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

/s/ Megan F. Clontz

Megan F Clontz

Texas Bar No. 24069703

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic notice and/or by regular U.S. mail on November 27, 2019.

SERVICE LIST

Debtor

Guillermo Pallares
8520 Wingo Way
El Paso, TX 79907

Debtor

Carmen C. Pallares
8520 Wingo Way
El Paso, TX 79907

Edgar J. Borrego
Tanzy & Borrego Law Offices
2610 Montana Ave.
El Paso, TX 79903

Miguel Alejandro Flores
Tanzy & Borrego Law Offices
2610 Montana
El Paso, TX 79903

Trustee

Ronald E Ingalls
PO Box 2867
Fredericksburg, TX 78624-1927

United States Trustee - EP12
U.S. Trustee's Office
615 E. Houston, Suite 533
P.O. Box 1539
San Antonio, TX 78295-1539

/s/ Megan F. Clontz
Megan F Clontz